

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

10 JUAN CARLOS RIVERA, )  
11 Plaintiff, ) 2:11-cv-0001-RLH-RJJ  
12 vs. )  
13 CLARK COUNTY, NEVADA, *et al.*, ) REPORT & RECOMMENDATION  
14 ) OF UNITED STATES  
15 ) MAGISTRATE JUDGE  
16 Defendant, )  
17 )

17 This matter is before the Court on the failure of Plaintiff, Juan Carlos Rivera to appear at  
18 the hearing scheduled for October 22, 2012.

19 Upon review of this matter, the Court makes the following findings,

20       1. On February 1, 2011, the Court held a status hearing in this case and ordered  
21                  Plaintiff, Juan Carlos Rivera to file an Amended Complaint on or before March  
22                  30, 2012. More than a year later, on April 18, 2012, Plaintiff, Juan Carlos Rivera,  
23                  filed an Amended Complaint (#7).  
24       2. On September 27, 2012, the Court entered an Order (#8) scheduling a status  
25                  hearing for October 22, 2012, on the Amended Complaint (#7) .  
26       3. The Order (#8) was served on Plaintiff by the United States Postal Service by  
27                  certified mail, return receipt requested. *See*, Certified Mail Receipt (#9).  
28       ....

4. Plaintiff, Juan Carlos Rivera failed to appear for the hearing scheduled for October 22, 2012. He did not seek a continuance of the hearing and further, he failed to contact the court to provide a reason for his non-appearance.

## **RECOMMENDATION**

Based on the foregoing and good cause appearing therefore,

IT IS THE RECOMMENDATION of the undersigned Magistrate Judge that this case be

## **DISMISSED WITH PREJUDICE.**

## NOTICE

9 Pursuant to Local Rule IB 3-2 [former LR 510-2] any objection to this Report and  
10 Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14)  
11 days after service of this Notice. The Supreme Court has held that the courts of appeal may  
12 determine that an appeal has been waived due to the failure to file objections within the specified  
13 time. Thomas v. Arn, 474 U.S. 140 (1985), reh'g denied, 474 U.S. 1111 (1986). This Circuit has  
14 also held that (1) failure to file objections within the specified time and (2) failure to properly  
15 address and brief the objectionable issues waives the right to appeal the District Court's order  
16 and/or appeal factual issues from the order of the District Court. Martinez v. Ylst, 951 F.2d 1153  
17 (9th Cir. 1991); Britt v. Simi Valley United Sch. Dist., 708 F.2d 452, 454 (9th Cir. 1983).

DATED this 24th day of October, 2012.

Robert J. Johnston  
ROBERT J. JOHNSTON  
United States Magistrate Judge